

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MICHAEL BOXER                      ART UNIT:  
SERIAL NO.: 10/528,132                      EXAMINER:  
FILED: CONCURRENTLY HEREWITH  
P.C.T. APPLICATION NO.: PCT/CH2003/000619  
P.C.T. INTERNATIONAL FILING DATE: SEPTEMBER 15, 2003  
PRIORITY CLAIM: SEPTEMBER 18, 2002  
TITLE: METRONOME

REPLY TO THE NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. §371 IN THE U.S. DESIGNATED/ELECTED OFFICE

Hon. Commissioner for Patents  
United States Patent and Trademark Office  
Mail Stop PCT  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

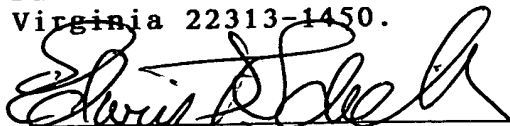
Attn: DO/EO/US

Dear Sir:

In reply to the "Notification of Missing Requirements  
under 35 U.S.C. 371," dated August 25, 2005, Applicant in the

"Express Mail" mailing label number ED 872805150 US  
Date of Deposit October 17, 2005

I hereby certify that this paper is being deposited with the  
U.S. Postal Service "Express Mail - Post Office to Addressee"  
service under 37 C.F.R. §1.10 on the date indicated above and  
is addressed to: Hon. Commissioner for Patents, United States  
Patent and Trademark Office, P. O. Box 1450, Alexandria,  
Virginia 22313-1450.

  
Edwin D. Schindler, Reg. No. 31,459

October 17, 2005  
Date

Best Available Copy

above-identified patent application hereby submits the following documents:

1. Copy of "Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
2. Declaration/Power of Attorney executed by Applicant;
3. International Preliminary Examination Report;
4. English Translation of International Preliminary Examination Report;
5. Literal English Translation of P.C.T. Application No. PCT/CH2003/000619, filed September 15, 2003;
6. Literal English Translation of P.C.T. Application No. PCT/CH2003/000619, incorporating Article 19 Amendments, filed December 16, 2004 ("Marked-Up" Copy);
7. Literal English Translation of P.C.T. Application No. PCT/CH2003/000619, incorporating Article 19 Amendments, filed December 16, 2004 ("Clean" Copy); and,
8. Preliminary Amendment.

Applicant further enclose a check in the amount of \$195.00 to cover the following fees:

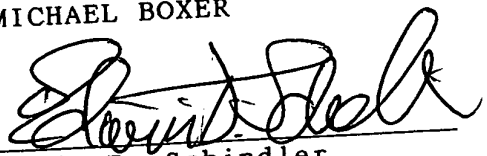
(a) The requisite surcharge of \$65.00 (small entity) for submission of the Declaration subsequent to the 30th-month deadline from the claimed priority date; and,

(b) The surcharge/processing fee of \$130.00 for submission of the literal English translations subsequent to the 30th-month deadline from the claimed priority date.

Authorization is also given to charge Applicant's Attorney's Deposit Account, Account No. 19-0450, for any additional fees or costs which may be due in connection, with the prosecution of the above-identified application. A duplicate copy of this paper is enclosed for billing purposes.

Respectfully submitted,

MICHAEL BOXER

By   
Edwin D. Schindler  
Attorney for Applicant  
Reg. No. 31,459

Five Hirsch Avenue  
P. O. Box 966  
Coram, New York 11727

(631)474-5373

October 17, 2005

10/24/2005 GFREY1 00000117 10528132

01 FC:2617  
02 FC:1618

65.00 OP  
130.00 OP

PCT



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,132	Michael Boxer	

INTERNATIONAL APPLICATION NO.	
PCT/CH03/00619	
LA. FILING DATE	PRIORITY DATE
09/15/2003	09/18/2002

Edwin D. Schindler  
 Five Hirsch Avenue  
 Po Box 966  
 Coram, NY 11727-0966

CONFIRMATION NO. 2289  
 371 FORMALITIES LETTER  
 \*OC000000016772801\*  
 \*OC000000016772801\*

Date Mailed: 08/25/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/16/2005
- Copy of the International Search Report filed on 03/16/2005
- Copy of IPE Report filed on 03/16/2005
- U.S. Basic National Fees filed on 03/16/2005
- Priority Documents filed on 03/16/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,132	PCT/CH03/00619	

FORM PCT/DO/EO/905 (371 Formalities Notice)